

WEST BOUNTIFUL CITY

ORDINANCE #401-18

AN ORDINANCE ESTABLISHING TEMPORARY RESTRICTIONS REGARDING LAND USE APPLICATIONS IN CONNECTION WITH SECONDARY WATER ISSUES.

WHEREAS, the City's residents have historically used secondary irrigation water supplied by the Weber Basin Water Conservancy District ("**Weber Basin**");

WHEREAS, the City anticipates that several areas within the City limits will be developed into residential subdivisions requiring secondary water in the near future;

WHEREAS, Weber Basin has informed the City that new or replacement water lines must be installed, at considerable expense, in order to provide secondary water to new areas of growth in the City;

WHEREAS, the City is in the process of studying the impacts of this requirement on the public safety, health, and welfare; the cost of installing secondary water lines at various locations within the City limits, and the appropriate allocation of such costs; and any restrictions or requirements that may promote the public safety, health, and welfare with respect to the installation of secondary water lines to serve areas of potential residential development in the City (collectively, the "**Secondary Water Study**");

WHEREAS, the City's Secondary Water Study will focus on good land use principles, including public safety, health, and welfare; economic development; and conformity with the West Bountiful City General Plan;

WHEREAS, the City's Secondary Water Study will specifically address the impacts of existing and contemplated uses as well as measures for mitigating such impacts;

WHEREAS the impacts to be studied include the cost of installing or replacing secondary water lines at various locations within the City limits; the appropriate allocation of such costs; impacts on City streets and disruption of traffic in connection with such installation; and alternatives to installing such additional secondary water lines, including the availability of culinary water for irrigation purposes, required additional culinary water facilities, and any necessary rate adjustments;

WHEREAS, the City's Secondary Water Study will be conducted in partnership with property owners, developers, residents, Weber Basin, and members of the Planning Commission and City Council;

WHEREAS, applicable state statutes allow the City's legislative body to establish by ordinance temporary land use regulations regarding zoning amendments, conditional use permits, building permits, and other land use matters; and

WHEREAS, final public hearings and meetings of the Planning Commission and City Council must be held prior to formal adoption of any plan or measures to be submitted as a result of the City's Secondary Water Study.

NOW THEREFORE BE IT ORDAINED by the City Council of West Bountiful City, Utah, as follows:

1. Finding of Countervailing Interest. Pursuant to *Utah Code Ann.* § 10-9a-504(1)(a), the City Council expressly finds that restricting land use applications and development activities with respect to residential subdivisions and planned unit developments, as provided in this Ordinance, while the City completes its Secondary Water Study is in the best interest of the City. The Study is necessary to address the impacts and potential impacts of multi-lot development activities within the City limits, including the cost of installing or replacing secondary water lines at various locations within the City limits; the appropriate allocation of such costs; impacts on City streets and disruption of traffic in connection with such installation; and alternatives to installing such additional secondary water lines, including the availability of culinary water for irrigation purposes, required additional culinary water facilities, and any necessary rate adjustments; and other potential harmful impacts, as well as measures for mitigating such impacts. This constitutes a compelling, countervailing public interest sufficient to justify a six-month prohibition on residential land use applications and development activities as specified in this Ordinance.

2. Balancing of Public versus Private Interests. The City Council finds further that any harm to private interests from the temporary land use regulations is *de minimis*, and is outweighed by the City's interests in receiving, reviewing, and adopting the recommendations of the Secondary Water Study. The City Council finds that no residential subdivision, planned unit development or other proposed multi-lot land use, the completed application, plans, and fees for which were not submitted prior to 4:30 p.m. on March 1, 2018, in full compliance with existing zoning regulations, has any right to be prosecuted under existing regulations. Further, any land use application submitted prior to 4:30 p.m. on March 1, 2018, that the City has disapproved due to incompleteness, inaccuracies, or non-compliance is specifically determined to have no vested right to be prosecuted under existing regulations. The City will not accept any re-submittal of these disapproved applications during the period of prohibition under this Ordinance.

3. Temporary Regulations. Temporary zoning and building regulations are hereby adopted, as follows:

A. No application for any subdivision or planned unit development under Title 16 or Title 17 of the West Bountiful Municipal Code will be accepted or considered.

B. No operation, construction, reconstruction, alteration, or other development activity requiring the installation of additional or replacement secondary water lines will be permitted.

C. These temporary regulations will expire six months from the date of adoption of this Ordinance, unless repealed earlier by action of the City Council.

4. *Relief from Temporary Regulations.*

A. A property owner, lessee, or occupant may petition the City Council for relief from these temporary regulations. Such petition must be in writing and contain the following information:

- (i) Scope of relief desired;
- (ii) Explanation of why the relief is necessary; and
- (iii) Explanation of work to be performed.

B. The City Council may grant relief from the temporary regulations under the following conditions:

- (i) The relief sought is to protect the structural integrity of a building;
- (ii) The relief sought does not affect the potential recommendations of the City's Secondary Water Study;
- (iii) The relief sought is for minor interior changes to existing structures or buildings;
- (iv) The relief sought is to enable the repair of electrical, plumbing, or similar systems;
- (v) The relief sought is to remedy a violation of safety codes or environmental regulations for which a land use or building permit application is required (no relief being necessary if the remedy would not otherwise require a land use or building permit application); or
- (vi) The relief sought is for the placement of temporary signs, making of temporary repairs, hosting special events, or for temporary public signage.

C. The City Council's decision on a petition submitted under this Ordinance may be appealed as provided in applicable law.

5. *Effective Date.* This Ordinance shall become effective upon adoption and signature.

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ADOPTED AND APPROVED March 6, 2018.

WEST BOUNTIFUL CITY COUNCIL

Kenneth Romney, *Mayor*

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Williams	_____	_____

ATTEST:

Cathy Brightwell, *City Recorder*